

Proffer Notes

18 January 2024

2:00 pm (EST)

Oscar Nava-Valencia

AUSA Ryan Harris (EDNY), AUSA Adam Amir (EDNY), Trial Attorney Kate Naseef (NDDS), Francis Hontoria (Spanish language interpreter), SA Jason Franks, SA John Muglia, SA Kyle Mori

The proffer was conducted via VTC. Nava-Valencia was in ICE custody in Georgia during the proffer. Nava-Valencia's attorney was not present, but was provided the opportunity to attend and declined. The proffer was conducted in English and translated to Spanish for Nava-Valencia by Francis Hontoria.

Naseef did introductions and told Nava-Valencia we wanted to question him about an affidavit that was submitted in the case of Genaro GARCIA-Luna. Naseef said EDNY would have a few questions regarding the matter. Nava-Valencia said his defense attorney had previously spoken with him about it. Naseef said Ryan Harris would lead the questioning and go through the affidavit and reminded Nava-Valencia to tell the truth.

Harris introduced himself and said GARCIA-Luna has filed for a new trial and has filed an affidavit from an inmate at MDC in New York. Harris said the affidavit makes allegations against Nava-Valencia and several other witnesses and Mr. Harris wanted to address the allegations. The allegations and responses are below:

- 1) The affidavit alleges that Nava-Valencia was in communication with Edgar VEYTIA. Harris asked if Nava-Valencia had ever met VETYA. Nava-Valencia denied ever meeting VEYTIA, said the name was not familiar to him. Nava-Valencia denied speaking with VEYTIA and said he doesn't know who VEYTIA is.
- 2) The affidavit alleges that VEYTIA and Nava-Valencia were communicating on a contraband cell phone while Nava-Valencia was in custody. Nava-Valencia denied.
- 3) The affidavit alleges Nava-Valencia was communication with VEYTIA indirectly through Nava-Valencia's brother, Juan Carlos. Nava-Valencia denied. Harris asked if Nava-Valencia passed any messages to VEYTIA through Juan Carlos. Nava-Valencia denied, saying "never."

The proffer was concluded at approximately 2:20 pm.

Notes by SA Mori